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CENTRAL BUSINESS DISTRICT

ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

Metropolitan Planning Department - 1964

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Department of Metropolitan Development
Division of Planning and Zoning

CENTRAL BUSINESS DISTRICT

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MARION COUNTY, INDIANA

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CENTRAL BUSINESS DISTRICT ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, establishes a single planning and zoning authority in counties having first class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Plan Commission and the County Council of such counties having first class cities, in order to unify the planning and zoning functions thereof; and

WHEREAS, no uniform regulations for the zoning and districting of land within the various political units within and a part of Marion County, Indiana, had heretofore existed, although the conditions relating to the use and development of said land are in many cases identical; and

WHEREAS, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including a LAND USE MAP OF MARION COUNTY, INDIANA, adopted by Resolution 62-CPS-R-2 on August 8, 1962, and CENTRAL BUSINESS DISTRICT PLAN FOR METROPOLITAN INDIANAPOLIS, MARION COUNTY, INDIANA, adopted by Resolution 62-CPS-R-5 on November 13, 1963; and

WHEREAS, said CENTRAL BUSINESS DISTRICT PLAN, consisting of maps, diagrams and other descriptive material, sets forth a plan for the development and land use control of the Central Business District of Metropolitan Indianapolis, Marion County, Indiana, including the regulation and limitation of

height, area, bulk and floor space of structures, and performance standards, standards of density and traffic distribution therefor; and

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted;

NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957 and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and Chapter 1 of Title II of the Municipal Code adopted as a part thereof, be amended, pursuant to said Chapter 283, by the addition of the following provisions and the repeal of all portions thereof in conflict herewith:

CHAPTER I

SECTION 1.00 ESTABLISHMENT OF CENTRAL BUSINESS ZONING DISTRICTS

The following primary CENTRAL BUSINESS ZONING DISTRICTS for Metropolitan Indianapolis, Marion County, Indiana are hereby established, and land within Indianapolis is hereby classified, divided and zoned into said districts as designated on the CENTRAL BUSINESS DISTRICT ZONING MAPS, which Maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

CENTRAL BUSINESS ZONING DISTRICTS

Symbol

CBD-1	CENTRAL BUSINESS DISTRICT ONE
CBD-2	CENTRAL BUSINESS DISTRICT TWO
CBD-3	CENTRAL BUSINESS DISTRICT THREE

CHAPTER II

SECTION 2.00 CENTRAL BUSINESS ZONING DISTRICT REGULATIONS

The following regulations shall apply to all land within the CENTRAL BUSINESS ZONING DISTRICTS. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

SECTION 2.01 CENTRAL BUSINESS DISTRICT ONE (CBD-1) REGULATIONS

A. PERMITTED CBD-1 USES

The following uses shall be permitted in the Central Business District One. All uses in the Central Business District One shall conform to the CBD-1 Development Standards (section 2.01, B hereof) and CBD-1 Performance Standards (section 2.01, C hereof).

1. RETAIL SALES AND SERVICE ESTABLISHMENTS.
2. BUSINESS, PROFESSIONAL, AND CONSUMER SERVICE OFFICES.
3. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.
4. TRANSPORTATION FACILITIES and accessory facilities therefor, including but not limited to, waiting rooms, loading docks, storage and associated commercial uses.
5. BANKS; SAVINGS AND LOAN OFFICES.
6. THEATRES, AUDITORIUMS AND AMUSEMENT FACILITIES.
7. PUBLIC UTILITIES.
8. PRINTING ESTABLISHMENTS.
9. OFFICES, SALES AND DISPLAY ROOMS for wholesalers, distributors, warehousemen, and manufacturers' agents, including stock, accessory storage, and/or warehouse space, provided;
 - a. said accessory stock, storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space, used in the same building by the same firm or enterprise; and
 - b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
10. PROCESSING OR MANUFACTURING OF GOODS BY RETAILERS AND WHOLESALERS, provided:
 - a. the net floor area occupied by said processing or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and
 - b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such processing, manu-

facturing, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)

11. PUBLIC AND SEMIPUBLIC STRUCTURES, PARKS AND OPEN SPACE.
12. OFF-STREET PARKING LOTS.
13. OFF-STREET PARKING GARAGES, and accessory uses and facilities therefor, provided the lot obtains access only from one or more of the following streets:
 - a. New York Street, Maryland Street, Capitol Avenue, Delaware Street.
 - b. East Washington Street between Pennsylvania Street and Delaware Street; or West Washington Street between Illinois Street and Capitol Avenue.
 - c. East Ohio Street between Pennsylvania Street and Delaware Street; or West Ohio Street between Illinois Street and Capitol Avenue.
 - d. North Pennsylvania Street between Ohio Street and New York Street; or South Pennsylvania Street between Maryland Street and Washington Street.
 - e. North Illinois Street between Ohio Street and New York Street; or South Illinois Street between Maryland Street and Washington Street.
 - f. Virginia, Massachusetts, Kentucky and Indiana Avenues.

On lots obtaining access from any other street within the CBD-1 District (excepting Monument Circle) off-street parking garages shall be permitted by SPECIAL EXCEPTION only, upon issuance of a SPECIAL EXCEPTION PERMIT therefor by the Metropolitan Board of Zoning Appeals as set forth in section 2.05.

14. ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS, anywhere within the CBD-1, provided:
 - a. the gross floor area devoted to off-street parking, including access drives and maneuvering space, does not exceed twenty-five (25) percent of the total gross floor space of the building in which said off-street parking is located; and
 - b. said off-street parking shall be incidental and accessory to the primary use or uses of the building in which said off-street parking is located.
15. SIGNS, (as primary or accessory uses), as regulated in section 2.04.
16. DRIVE-IN SERVICES (not including goods or food) shall be permitted in the CBD-1 by SPECIAL EXCEPTIONS only upon issuance of a SPECIAL EXCEPTION PERMIT therefor by the Metropolitan Board of Zoning Appeals as set forth in section

2.05. (Drive-in establishments offering goods or food to customers waiting in cars shall not be permitted.)

B. CBD-1 DEVELOPMENT STANDARDS

1. USE
 - a. All sales, servicing, processing, manufacturing and storage shall be conducted within completely enclosed buildings, except that the display and/or sale of merchandise may be conducted on open space on the lot, if such open space is located within or in enclosed on three or more sides by the outer dimensions of the building.
2. BULK CONTROL
 - a. MAXIMUM LOT COVERAGE AND MINIMUM SETBACK: one hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
 - b. HEIGHT LIMITATIONS - SKY EXPOSURE PLANE, (with the exceptions of the sign regulations of section 2.04, B), there shall be no height limitations in the CBD-1 District other than the following sky exposure plan controls, which shall apply to the erection, expansion and alteration of all buildings, or other structures in the CBD-1 District.

(1) The Sky Exposure Plane One (1) (as defined in section 2.06) shall be applied to all lots within the CBD-1 District abutting:

- | | |
|-----------------------|--------------------------|
| (a) New York Street | (h) Meridian Street |
| (b) Ohio Street | (i) Pennsylvania Street |
| (c) Market Street | (j) Delaware Street |
| (d) Washington Street | (k) Indiana Avenue |
| (e) Maryland Street | (l) Massachusetts Avenue |
| (f) Capitol Avenue | (m) Kentucky Avenue |
| (g) Illinois Street | (n) Virginia Avenue |

Provided, however, the Sky Exposure Plane Three (3) (as defined in section 2.06) shall be applied to all lots abutting Monument Circle.

(2) No part of any building, or other structure on any lot shall penetrate the applicable Sky Exposure Plane, except as follows:

A building or other structure may penetrate the Sky Exposure Plane One provided that the area of all architectural elevations facing the street, of all buildings and other structures on the lot (including those portions thereof violating the Sky Exposure Plane) when projected back to the base of the Sky Exposure Plane, establishes an area at the lot line not in excess of the total area of the Lot Frontage Plane (an imaginary vertical plane, having a base coextensive with the front line and extending vertically to its termination at the intersection of the applicable Sky Exposure Plane).

3. OFF-STREET PARKING a. PARKING GARAGES. Off-street parking garages shall be subject to the following requirements:

Entrances and Exits:

- (1) Vehicular entrances and exits to off-street parking garages shall be provided only on the following streets:
 - (a) East New York; West New York Street.
 - (b) East Maryland; West Maryland Street.
 - (c) North Capitol; South Capitol Avenue.
 - (d) North Delaware; South Delaware Street.
 - (e) West Washington Street between Illinois Street and Capitol Avenue; West Ohio between Illinois Street and Capitol Avenue.
 - (f) North Pennsylvania Street between Ohio Street and New York Street; South Pennsylvania Street between Maryland Street and Washington Street.
 - (g) North Illinois Street between Ohio Street and New York Street; South Illinois Street between Maryland Street and Washington Street.
 - (h) Indiana, Massachusetts, Kentucky and Virginia Avenues.
 - (i) East Washington Street between Pennsylvania Street and Delaware Street.
- (2) Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.
- (3) Vehicular entrances and exits to off-street parking garages shall not be provided on any alley--except for emergency purposes only.

- b. PARKING LOTS. Off-street parking lots shall be subject to the following requirements.

- (1) The parking area shall not be used for permanent storage, or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.

- (2) Parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
- (3) The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
- (4) The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.
- (5) Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.

4. OFF-STREET
LOADING

a. LOCATION.

- (1) All off-street loading areas shall be located within two hundred (200) feet of the lot served.
- (2) Off-street loading facilities for separate lots may be provided collectively if:
 - (a) such loading facilities are within two hundred (200) feet of all establishments served thereby, and
 - (b) the size of the collective loading area is determined (in accordance with e. below), by the sum of the total adjusted net floor area for all buildings served by said collective off-street loading facilities.
- (3) Each off-street loading area shall be located with direct vehicular access to an alley only, and in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into an alley, street or public right-of-way.

b. SIZE OF OFF-STREET LOADING SPACE. An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.

c. SURFACING. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.

c. REPAIR AND SERVICE. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading

facilities, except for emergencies developing during occupation of said facilities.

e. NUMBER OF REQUIRED OFF-STREET LOADING SPACES.

(1) The number of required off-street loading spaces is based upon the buildings total adjusted net floor area as defined in section 2.06.

(2) Off-street loading spaces shall be provided in accordance with the following minimum requirements:

<u>Total Adjusted Net Floor Area of Building (Square Feet)</u>	<u>No. of Loading Spaces Required</u>
0- 10,000	None
10,001- 100,000	1
100,001- 350,000	2
350,001- 600,000	3
600,001- 850,000	4
850,001-1,100,000	5

For each additional 350,000 square feet of net floor area over 1,100,000 or fraction thereof, one (1) additional loading space shall be provided.

C. CBD-1 PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this ordinance shall comply with the following standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. SMOKE No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringlemann Scale, as now published and used by the U. S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
3. DUST No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
4. NOXIOUS MATTER No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. ODOR No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines

(CBD-1 REGULATIONS)

and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

6. SOUND No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittance, beat frequency, shrillness or vibration.
7. HEAT AND GLARE No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
8. WASTE MATTER No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

SECTION 2.02 CENTRAL BUSINESS DISTRICT TWO REGULATIONS

A. PERMITTED CBD-2 USES

The following uses shall be permitted in the Central Business District Two. All uses in the Central Business District Two shall conform to the CBD-2 Development Standards (section 2.02, B hereof) and CBD-2 Performance Standards (section 2.02, C hereof).

1. RETAIL SALES AND SERVICE ESTABLISHMENTS.
2. BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES.
3. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.
4. TRANSPORTATION FACILITIES and accessory facilities therefor, including but not limited to waiting rooms, loading docks, storage and associated commercial uses.
5. BANKS; SAVINGS AND LOAN OFFICES.
6. THEATRES, AUDITORIUMS AND AMUSEMENT FACILITIES.
7. PUBLIC UTILITIES.
8. PRINTING ESTABLISHMENTS.
9. WHOLESALE AND WAREHOUSING ESTABLISHMENTS.
10. PROCESSING, REPAIRING, OR MANUFACTURING GOODS BY RETAILERS AND WHOLESALERS, provided:

- a. the net floor area occupied by said processing, repairing, or manufacturing plus storage and warehouse space does not exceed seventy-five (75) percent of the total net floor area used in the same building by the same firm or enterprise; and
- b. in no case shall more than fifty (50) percent of the total net floor area in any single building be devoted to such processing, repairing, manufacturing, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)

11. PUBLIC AND SEMIPUBLIC STRUCTURES, PARKS AND OPEN SPACE.

12. OFF-STREET PARKING GARAGES AND LOTS.

13. ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS.

14. SIGNS, (as primary or accessory uses), as regulated in section 2.04.

B. CBD-2 DEVELOPMENT STANDARDS

1. USE
 - a. OUTDOOR DISPLAY, Outdoor display, sales and service shall be permitted, provided:
 - (1) The outdoor display of goods or materials shall not include the storage or stockpiling of materials.
 - (2) All goods and materials shall be located within the lot, and not encroach upon any public right-of-way.
 - (3) The outdoor display of materials or goods shall not occupy an area greater than twenty-five (25) percent of the gross floor area of the main structure occupying the lot--except, however, outdoor display of motor vehicles shall be permitted (with or without a main structure occupying the lot), provided:
 - (a) The outdoor space is not utilized for the repair, dismantling or wrecking of any vehicle.
 - (b) No attention attracting devices, including but not limited to flags, pennants, flashing lights, etc., are used, except as provided for in section 2.04.
 - (c) All lighting facilities used to illuminate the outdoor space are located, shielded and directed upon the outdoor space in such a manner that they do not glare onto or interfere with street traffic, adjacent buildings or adjacent uses.

(d) All outdoor space used for the display of motor vehicles shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface.

(e) The outdoor space used for the display of motor vehicles shall be provided with bumper guards or wheel guards so located that no part of the displayed vehicles will extend beyond the boundary of the established display area.

(4) The outdoor display area shall be maintained in good condition and free of weeds, dirt, trash and debris.

b. OUTDOOR SALES AND SERVICE.

(1) Outdoor sales may be conducted in association with outdoor displays.

(2) Outdoor sales and service to customers waiting in parked cars (drive-in services) shall be permitted provided:

(a) Service is not construed to mean manufacturing, processing, or repairing, dismantling, or wrecking of vehicles, machinery, equipment.

(b) Outdoor space is not utilized for the rental, sale, or storage of motor vehicles or trailers.

(c) The area on which outdoor service is conducted shall be surfaced and maintained under the standards set forth in section 2.02, B 3, b, (2), (3), (4) and (5).

2. BULK
- a. MAXIMUM LOT COVERAGE AND MINIMUM SETBACK. One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line not abutting an alley, such setback depth shall be not less than ten (10) feet.
- b. HEIGHT LIMITATIONS - SKY EXPOSURE PLANE. (With the exception of the sign regulations of section 2.04, B), there shall be no height limitations in the CBD-2 District other than the following sky exposure plane controls, which shall apply to the erection, expansion and alteration of all buildings or other structures in the CBD-2 District.
- (1) The Sky Exposure Plane Two (2) (as defined in section 2.06) shall be applied to all lots within the CBD-2 District. Except, however, the Sky Exposure Plane One (1) (as defined in section 2.06) shall be applied to all lots within the CBD-2 District abutting:

- (a) the north side of New York Street between Illinois Street and Capitol Avenue.
 - (b) the east side of Delaware Street between New York Street and Maryland Street.
 - (c) the south side of Maryland Street between Delaware Street and Capitol Avenue.
 - (d) the west side of Capitol Avenue between New York Street and Maryland Street.
- (2) No part of any building or other structure on any lot shall penetrate the applicable Sky Exposure Plane, except as follows:

A building or other structure may penetrate the Sky Exposure Plane One or Two provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the Sky Exposure Plane), when projected back to the base of the Sky Exposure Plane establishes an area at the lot line not in excess of the total area of the lot Frontage Plane (an imaginary vertical plane, having a base coextensive with the front lot line and extending vertically to its termination at the intersection of the applicable Sky Exposure Plane).

3. OFF-STREET PARKING
- a. Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.
 - b. PARKING LOTS. Off-street parking lots shall be subject to the following requirements.
 - (1) The parking area shall not be used for permanent storage, or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.
 - (2) Parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
 - (3) The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
 - (4) The parking area shall be provided with bumper guards

or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.

- (5) Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.

c. REQUIRED OFF-STREET PARKING. Off-street parking facilities shall be provided for all uses in the CBD-2 District--except, however, all lots within the area known as the Mile Square, bounded by North Street, East Street, South Street and West Street.

- (1) Number of Required Off-Street Parking Spaces: One (1) parking space at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives, aisles, ramps, lanes, etc., shall be provided for each eight-hundred (800) square feet of the building's total adjusted net floor area as defined in section 2.06.
- (2) Location of Required Parking: All required off-street parking facilities shall be located either on the same lot as the use served or within four hundred (400) feet thereof.
- (3) Collective Facilities: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use, and provided that such parking facilities are within four hundred (400) feet of all said separate uses.

4. OFF-STREET
LOADING

a. LOCATION

- (1) All loading areas shall be located within two hundred (200) feet of the lot served.
- (2) Off-street loading facilities for separate lots may be provided collectively if:
 - (a) Such loading facilities are within two hundred (200) feet of all establishments served thereby, and
 - (b) the size of the collective loading area is determined (in accordance with e. below), by the sum of the total adjusted net floor area for all buildings served by said collective off-street loading facilities.

- (3) Off-street loading areas may have direct access from any streets, except on the:

North side of New York Street between Delaware Street and Capitol Avenue;

South side of Maryland Street between Delaware Street and Capitol Avenue;

West side of Capitol Avenue between Maryland Street and New York Street;

East side of Delaware Street between Maryland Street and New York Street.

- (4) Each off-street loading area shall be located in a manner which will least interfere with traffic movements and such that no vehicle or part thereof will protrude into any alley, street or public right-of-way.

- b. SIZE OF OFF-STREET LOADING SPACE. An off-street loading space shall be at least five hundred (500) square feet in area, exclusive of maneuvering area.
- c. SURFACING. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris.
- d. REPAIR AND SERVICE. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of said facilities.
- e. NUMBER REQUIRED OF OFF-STREET LOADING SPACES.
- (1) The number of required off-street loading spaces is based upon the building's total adjusted net floor area as defined in section 2.06.

- (2) Off-street loading spaces shall be provided in accordance with the following minimum requirements:

<u>Total Adjusted Net Floor Area of Building (Square Feet)</u>	<u>No. of Loading Spaces Required</u>
0- 10,000	None
10,001- 100,000	1
100,001- 350,000	2
350,001- 600,000	3
600,001- 850,000	4
850,001-1,100,00	5

For each additional 350,000 square feet of net floor

... area over 1,100,000 or fraction thereof, one (1) additional loading space shall be provided.

C. CBD-2 PERFORMANCE STANDARDS

The CBD-1 Performance Standards, section 2.01, C shall apply to the CBD-2 District.

SECTION 2.03 CENTRAL BUSINESS DISTRICT THREE (CBD-3) REGULATIONS

A. PERMITTED CBD-3 USES

The following uses shall be permitted in the Central Business District Three. All uses in the Central Business District Three shall conform to the CBD-3 Development Standards (section 2.03, B hereof) and CBD-3 Performance Standards (section 2.03, C hereof).

1. BUSINESS, PROFESSIONAL AND CONSUMER SERVICE OFFICES.
2. PUBLIC UTILITIES.
3. PRINTING ESTABLISHMENTS.
4. BANKS; SAVINGS AND LOAN OFFICES.
5. APARTMENTS.
6. APARTMENT HOTELS, HOTELS, MOTOR HOTELS.
7. OFFICES, SALES AND DISPLAY ROOMS for wholesalers, distributors, warehousemen, manufacturers' agents, including stock, accessory storage, and/or warehouse space, provided:
 - a. said accessory stock, storage and warehouse space does not exceed twenty-five (25) percent of the total net floor area of the combined office, sales, display, and accessory storage and warehouse space used in the same building by the same firm or enterprise; and
 - b. in no case shall more than twenty-five (25) percent of the total net floor area in any single building be devoted to such accessory stock, storage and warehouse space.

(In the case of two or more contiguous buildings under single ownership or lease, for purposes of a and b above, such contiguous buildings shall be considered as one building.)
8. RETAIL SALES AND SERVICE ESTABLISHMENTS primarily for the convenience of residents or employees of this district, provided:
 - a. such establishments shall be located within buildings principally used for office, apartment, hotel or off-street parking uses, and
 - b. such establishments shall include any of the following or similar uses of a like nature or character:

barber shop
beauty shop
shoe repair shop
cleaners and laundry outlet
drug store
laundromat
grocery store
delicatessen
restaurant
gift shop

florist
book store
stationery store
bank, savings and loan office
ticket office
jewelry store
men's and women's wear
bar, cabaret, night club
newsstand

9. OFF-STREET PARKING GARAGES, PARKING LOTS, AND ACCESSORY OFF-STREET PARKING WITHIN BUILDINGS, subject to the regulations of section 2.03, B 3.
10. PUBLIC AND SEMIPUBLIC STRUCTURES, PARKS, AND OPEN SPACE.
11. SIGNS, (as primary or accessory uses), as regulated in section 2.04.

B. CBD-3 DEVELOPMENT STANDARDS

1. USE
 - a. All business and retail enterprise shall be conducted within completely enclosed buildings.
 - b. Drive-in establishments offering goods, food or services to customers waiting in cars shall not be permitted.
2. BULK CONTROL
 - a. MAXIMUM LOT COVERAGE AND MINIMUM SETBACK. One hundred (100) percent lot coverage shall be permitted, and no front, side or rear setbacks shall be required. Provided, however, if a rear or side setback is provided along any rear or side lot line abutting an alley, such setback depth shall be not less than ten (10) feet.
 - b. HEIGHT LIMITATIONS. There shall be no height limitations or sky exposure plane controls in the CBD-3 District.
3. OFF-STREET PARKING
 - a. PARKING GARAGES AND ACCESSORY PARKING WITHIN BUILDINGS.
 - (1) Off-street parking garages and accessory off-street parking facilities within buildings located on lots having frontage upon North Meridian Street or North Pennsylvania Street shall:

Be developed as an integral part of an associated apartment, office, hotel or other permitted principal use structure, with no exterior evidence of the parking use perceptible on the Pennsylvania or Meridian Streets frontage, except for ingress and/or egress from North Meridian or North Pennsylvania Streets.

- (2) Off-street parking entrances or exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two intersecting street right-of-way

(CBD-3 REGULATIONS)

lines. Such access cuts shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.

b. PARKING LOTS.

- (1) The off-street parking requirements and regulations of the CBD-2 District (section 2.02, B 3, a. and b.) shall apply to the CBD-3 District.
- (2) No open parking shall be permitted on any lot having frontage upon North Meridian Street or North Pennsylvania Street, except where there is an intervening structure of at least one story between the entire open parking area of said lot and North Meridian Street or North Pennsylvania Street.

4. OFF-STREET LOADING The requirements and regulations of the CBD-2 District (section 2.02, B 4) shall apply to the CBD-3 District, except:

a. Off-street loading areas may have direct access from any streets, except:

- (1) North Meridian Street;
- (2) North Pennsylvania Street; and
- (3) the north side of East and West New York Street.

C. CBD-3 PERFORMANCE STANDARDS

The CBD-1 Performance Standards, section 2.01, C shall apply to the CBD-3 District.

SECTION 2.04 CENTRAL BUSINESS DISTRICT SIGN REGULATIONS

Amended by 71-A0-4 SIGN REGULATIONS of Marion County, Indiana.

SPECIAL EXCEPTIONS

SECTION 2.05 SPECIAL EXCEPTIONS

A. SPECIAL EXCEPTIONS

1. SPECIAL EXCEPTIONS- GRANTED BY METROPOLITAN BOARD OF ZONING APPEALS The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant and permit SPECIAL EXCEPTIONS to the Central Business Districts standard terms, regulations and requirements, as specified in this ordinance, and issue SPECIAL EXCEPTION PERMITS therefor.
 - a. Such SPECIAL EXCEPTION AND PERMIT shall be granted (following application filed with the Secretary of said Board by the landowner petitioner, notice to owners of adjoining parcels of land and public hearing by said Board--all in accordance with the Rules of Procedure of the Metropolitan Board of Zoning Appeals) ONLY UPON THE METROPOLITAN BOARD'S DETERMINATION THAT:
 - (1) The grant will not be injurious to the public health, safety, convenience or general welfare.
 - (2) The grant will not injure or adversely affect the adjacent area or property values therein.
 - (3) The grant will be in harmony with the character of the district and land use authorized therein.
 - b. The grant of such Special Exception and Permit shall be conditioned upon the following requirements:
 - (1) The proposed use shall conform to all performance standards of the applicable Central Business District.
 - (2) The proposed use shall conform to all development standards of the applicable Central Business District, except as specifically modified by the grant of Special Exception and Permit.
 - (3) The proposed use shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of Special Exception and Permit by said Board--(in case of conflict, the more restrictive standards or requirements are to control). All restrictions or conditions attached to the grant of any Special Exception and Permit by the Metropolitan Board of Zoning Appeals shall be limited by standards (1), (2) and (3) of paragraph a. above, and shall be imposed by said Board to ensure compliance with said standards.

SECTION 2.06 DEFINITIONS

The following definitions shall be applied for purposes of this ordinance:

1. ALLEY A public way, the right-of-way of which is less than thirty-five (35) feet in width.
2. LOT Any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy by one (1) principal use.
3. NET FLOOR AREA The sum of the gross horizontal areas of the one or several floors and basements of the building or portions thereof devoted to permitted uses, not including, however: floor area devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or floor area used for toilets, restrooms, utilities, lounges, elevator shafts, main corridors and stair wells, or cafeterias for the use of employees only. Provided, however, for the purposes of determining off-street loading requirements, net floor area shall include floor area devoted primarily to storage purposes, but shall otherwise be defined as above.
4. SIGNS For sign definitions, see section 2.04, C, defining:
 - "SIGN",
 - "ADVERTISING SIGN",
 - "BUSINESS SIGN",
 - "INCIDENTAL SIGN",
 - "SIGN SURFACE",
 - "FACING",
 - "SIGN STRUCTURE",
 - "PROJECTING SIGN".
5. SKY EXPOSURE PLANE An imaginary sloping surface, consisting of three types, rising over designated lots in the CBD-1 and CBD-2, as specified in sections 2.01, B 2 and 2.02, B 2 for purposes of limiting height of buildings, signs and other structures:
 - (1) SKY EXPOSURE PLANE ONE
 - a. On each street in the CBD-1 designated in section 2.01, B 2 b (1) (excepting Monument Circle) and in the CBD-2 designated in section 2.02, B 2 b (1), the Sky Exposure Plane One shall have a base which is coincident with the

DEFINITIONS

centerline of each said street, and

- b. at the base has an elevation equal to the average elevation above mean sea level of the street centerline from the intersection of one street centerline to the intersection of the next, and
- c. is inclined at an angle of seventy-eight degrees (78°) measured from the horizontal, and
- d. extends to a vertical elevation of three hundred (300) feet above the base, and
- e. then continues vertically at an angle of ninety degrees (90°) measured from the horizontal, and
- f. extends to a vertical elevation, above the base, equal to infinity.

(2) SKY EXPOSURE PLANE TWO

- a. On all streets in the CBD-2 (excepting those streets specifically designated in section 2.02, B 2 (1), the Sky Exposure Plane Two shall have a base which is coincident with the centerline of each said street, and
- b. at the base has an elevation equal to the average elevation above mean sea level of the street centerline from the intersection of one street centerline to the intersection of the next, and
- c. is inclined at an angle of sixty degrees (60°) measured from the horizontal, and
- d. extends to a vertical elevation of two hundred (200) feet above the base, and
- e. then continues vertically at an angle of ninety degrees (90°) measured from the horizontal, and
- f. extends to a vertical elevation, above the base, equal to infinity.

(3) SKY EXPOSURE PLANE THREE

- a. In the case of all lots abutting Monument Circle, in the CBD-1, as designated in section 2.01, B 2 b (1), the Sky Exposure Plane Three shall have a base which is coincident with the centerline of the street, and
- b. at the base has an elevation equal to the average elevation above mean sea level of the street centerline from the intersection of one street centerline to the intersection of the next, and

DEFINITIONS

- c. in inclined at an angle of sixty-seven and one-half degrees (67.5°) measured from the horizontal, and
 - d. extends to a vertical elevation of one hundred eight (108) feet above the base, and
 - e. then continues at an angle of seventy-four degrees (74°) measured from the horizontal, and
 - f. extends to a vertical elevation of one hundred fifty (150) feet above the base, and
 - g. then continues horizontally at an angle of zero degrees (0°) measured from the horizontal, and
 - h. extends to the alleys known as Wabash, Scioto, Bird and Court Streets.
6. STREET A public way, the right-of-way of which is at least thirty-five (35) feet in width.
7. TOTAL ADJUST-ED NET FLOOR AREA
- (1) FOR DETERMINING REQUIRED OFF-STREET LOADING.
 - a. To determine total adjusted net floor area:
 - 1. Total the net floor area devoted to each use within the building.
 - 2. Multiply the total net floor area for each use by the loading floor area factor for such use, as specified in b. below.
 - 3. Add the results of 2. above -- this is the total adjusted net floor area.
 - b. Loading Floor Area Factors:
 - 1. Retail Sales and Services - 2.0.
 - 2. Business, Professional and Consumer Service, Hotels and Motor Hotels - 1.0.
 - 3. Manufacturing and Wholesale (exclusive of office, sales and display area) - 2.5.
 - 4. Residential and Apartment Hotels - 0.5.
 - (2) FOR DETERMINING REQUIRED OFF-STREET PARKING.
 - a. To determine total adjusted net floor area:
 - 1. Total the net floor area devoted to each use within the building.

DEFINITIONS

2. Multiply the total net floor area for each use by the parking floor area factor for such use, as specified in b. below.
 3. Add the results of 2. above -- this is the total adjusted net floor area.
- b. Parking Floor Area Factors:
1. Retail Sales and Services - 2.0
 2. Residential and Apartment Hotels - 1.0.
 3. Manufacturing - 3.0.
 4. Hotels and Motor Hotels - 3.0.
 5. Business, Professional and Consumer Service, and Wholesale - 1.0.

CHAPTER III

SECTION 3.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that the same shall be in full force and effect from and after this date.

Edwin J. Koch

Ronald E. Bingman

Beurt R. SerVaas

James A. Buck

William A. Brown

Harry E. Foxworthy

THE MARION COUNTY COUNCIL
OF
MARION COUNTY, INDIANA

DATED April 7, 1964

ATTEST: John T. Sutton
AUDITOR OF MARION COUNTY,
INDIANA